

January 28, 1999



OFFICE OF THE
ATTORNEY GENERAL
STATE OF TEXAS

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Ms. Kathryn West
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
2014 Main Street, Room 206
Dallas, Texas 75201

OR99-0264

Dear Ms. West

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 121895.

The City of Dallas Police Department (the "city") received a request for the internal affairs report involving a particular individual. You submit to this office the requested information and you represent that the requested information deals with a case that is under investigation and pending prosecution. The district attorney states that the complainant in the internal affairs investigation is charged with two criminal acts, which are the subject of a pending case. We have considered the exception you claim and have reviewed the documents at issue.

Section 552.108 of the Government Code provides in part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

...

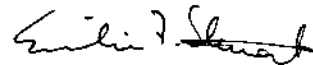
(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

Gov't Code § 552.108. You represent that the requested information relates to the active investigation of an offense, which awaits trial. A review of the submitted documents indicates that only some of the documents "deal with the detection, investigation, or prosecution of a crime." The flagged and clipped documents are only indirectly related to a crime. They concern the investigation of a citizen's complaint about an administrative procedure. You have demonstrated that releasing the requested information related to a crime would interfere with the detection, investigation or prosecution of crime, but you have failed to indicate how and why releasing information that involves only the handling of the citizen's complaint is exempt from disclosure. We conclude, therefore, that section 552.108(a)(1) is applicable to some of the requested information and that the marked information must be released.

Section 552.108 does not, however, except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). Because you have raised no other exception to disclosure, the city must release these types of information in accordance with *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Emilie F. Stewart
Assistant Attorney General
Open Records Division

EFS\nc

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Enclosures: Submitted documents

cc: Ms. Denise Runnels
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(w/o enclosures)